

CASE D0016 NP

#9
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Stephen C. D'Amico
Type or print name

Signature

October 25, 2002
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1647

CARROLL ET AL.

Examiner: SEHARASEYON, JEGATHEESAN

APPLICATION NO: 09/813,329

FILED: MARCH 20, 2001

FOR: NOVEL DROSOPHILA TUMOR NECROSIS FACTOR CLASS
MOLECULE ("DMTNF") AND VARIANTS THEREOF

Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In reply to the Office Action dated October 2, 2002, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I drawn to a nucleic acid encoding a polypeptide, a vector and a host cell.


The Office Action further directs Applicants to elect a single disclosed species to which the claims would be restricted if no generic claim is finally held to be allowable and to list all claims readable thereon including those subsequently added. Applicants hereby provisionally elect the species of Group I directed to SEQ ID NO:5 polynucleotides, vectors comprising SEQ ID NO:5 polynucleotides, and host cells comprising the same. Claims 41 to 63 are readable thereon. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants response is timely and no extensions are necessary.

If any fee is due in connection herewith, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time not already accounted for is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to the above-stated Deposit Account.

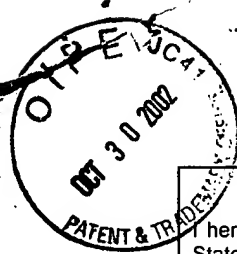
If the Examiner wishes to discuss this reply or any aspect of this case, he is invited to contact the undersigned.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-5289
Date: October 25, 2002



Stephen C. D'Amico
Attorney for Applicants
Reg. No. 46,652



1647
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PRELIMINARY AMENDMENT

Sir:

Kindly enter the following amendments to the above captioned application.

In the Specification:

Please amend the substitute specification, submitted June 19, 2001, as follows:

On page 13, please append the following paragraph on line 5 as the first paragraph on page

13:

B1

--Figure 7 shows a Kyte-Doolittle hydropathy plot of the novel Drosophila tumor necrosis factor class gene, DmTNF, of the present invention. As shown, the hydropathy plot suggests that DmTNF is a type II transmembrane protein (e.g., potentially secreted protein), with a short intracellular domain at the NH2 terminal of DmTNF and a long extracellular domain at the COOH terminal of DmTNF.--